(3)

C.S.101

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 2595 OF 2004

BETWEEN

Jagdish Prasad Shrivastava , aged about years, S/o Late Shri Narmada Prasad Shrivastava, Retired Assistant Grade I (Godown), Resident of Durga Chowk, Mahasamund, Tehsila and District Mahasamund (CG).

PETITIONER

A N D

1. The Zonal Manager,
Food Corporation of India, West Zone, Mumbai (Maharashtra).

2. The Senior Regional Manager,
Food Corporation of India,
Ring Road, Junction, N.H. 6, Near Railway Crossing,
Telibandha, Raipur (CG).

3. The District Manager,
Food Corporation of India,
Madina Building, Katuchury Chowk, Raipur,
Tehsil and District Raipur (CG).

26/11/04
Shri Sandeep Sinha
6-8-04

RESPONDENTS

(37)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No- 2595 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

19.01.2005

Shri Shailendra Soni, counsel for the petitioner.

Shri Sandeep Dueby, Panel Lawyer appears for the State on advance copy.

Heard.

I.A.no.5795/2004 for urgent hearing is allowed.

Heard.

The petitioner is aggrieved by the alleged inaction on the part of respondents no.2 & 3 who have caused deliberate delay of more than 3 ½ years in realizing the original sale deed which has been mortgaged by the petitioner against the housing loan.

It is stated by the petitioner that due to inordinate delay of alleged period of above 3 ½ years the petitioner has suffered financial loss to the tune of Rs.51,000/- and for that respondents no.2 & 3 are responsible as they had failed to discharge their official obligations honestly. The reliefs column of the petition also shows that substantially a sum of Rs.51,000/- has been claimed as the amount of damages from respondents no.2 and 3.

It is the settled principle of law that the High Court while exercising the jurisdiction under Article 226/227 of the Constitution of India, cannot initiate or conduct a roving enquiry into the matter which

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

are based upon a cause of action, which renders to filing of a civil suit and the disputed issues of facts are to be decided therein.

Considering the facts and circumstances of the case and also considering the nature of allegations and further considering the reliefs claimed in the writ petition, this Court is of the opinion that the writ petition is not maintainable for such a relief as claimed in the present petition and it deserves to be dismissed.

Accordingly, the petition is dismissed at the admission stage itself. However, the petitioner is free to avail appropriate remedy in accordance with law.

Consequently, M.W.P.No 2301/04 and I.A.No. 5795/04 stand disposed of.

Sd/-
Sunil Kumar Sinha
Judge

Roo

GI. PRJ—FS/350—12/2000—50,000.